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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/571,198

03/09/2006

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

04/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/571,198	<b>Applicant(s)</b> BARRAS ET AL.	
	<b>Examiner</b> SEAN KAYES	<b>Art Unit</b> 2833	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-23 and 28 is/are rejected.
- 7) ☒ Claim(s) 24, 25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 15 is objected to for being indefinite. The phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

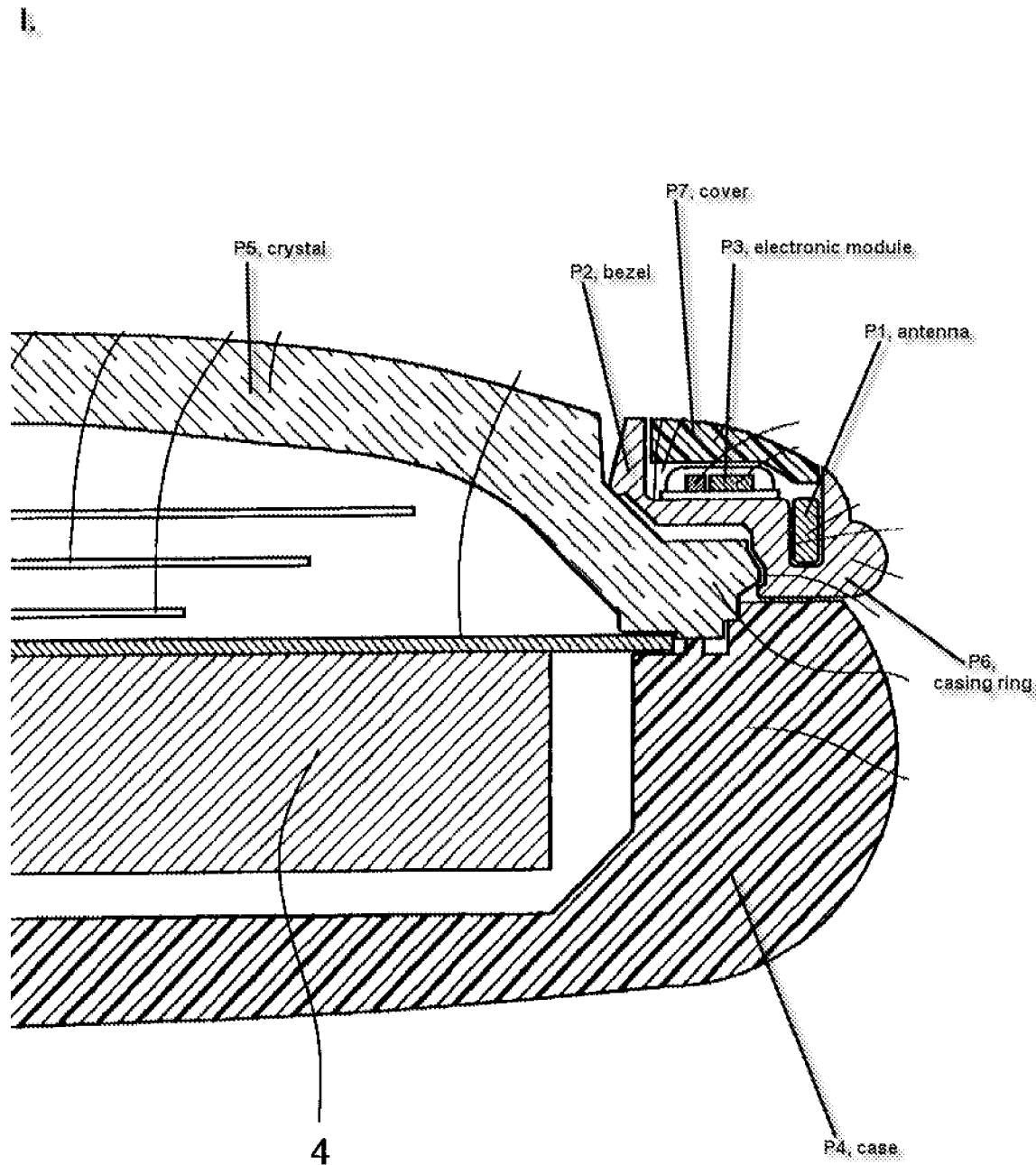
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-19, 23, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch (US 5798984.)

4. With respect to claim 15 Koch discloses a portable electronic instrument, such as a wristwatch, including: a case enclosing an electronic module (P3; 22 figure 2) and a display device (items 6, 8, 10, and 24, figures 1-2); a crystal (P5; 12 figure 2) fitted onto said case (P4; 2 figure 2); an electric power supply (column 2 lines 52-54) source housed in said case and powering said electronic module and said display device; and an antenna (P6; 20 figure 2) for receiving and/or transmitting radio-frequency signals, the antenna (P6; 20 figure 2) being electrically connected to said electronic module (P3; 22 figure 2), wherein said case (P4; 2 figure 2) includes an exterior body including a bottom and lateral walls; and a bezel (P2; 36 figure 2) element fitted onto said exterior

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body, and wherein said antenna (P1; 20 figure 2) rests on an outer face of said bezel element, and is arranged at 12 o'clock (the antenna is located on the bezel P2 and encircles the display, thus as depicted in figure 1 the antenna is located at the 12 o'clock position) with respect to said display device and in an inclined position with respect to the plane in which said display device is located (as depicted in figure 2 the antenna 20 is located at a 90 degree incline relative to the planes of 6-10 and 24. The antenna 20 is also located above {inclined} relative to the plane of display devices 10 and 24.)



5. With respect to claim 16 Koch discloses the instrument according to claim 15, wherein said bezel (P2; 36 figure 2) element is fitted in a sealed manner onto said exterior body.

6. With respect to claim 17 Koch discloses the instrument according to claim 15, further including casing ring (P6; 14 figure 2) element arranged between said bezel (P2; 36 figure 2) element and said bottom, said electronic module (P3; 22 figure 2) and said display (6, 8, and 10 figure 1) device being enclosed between said bezel element and said casing ring element.

7. With respect to claim 18 Koch discloses the instrument according to claim 17, wherein said casing ring (P6; 14 figure 2) element and said bezel (P2; 36 figure 2) element are secured to each other so as to form a sub-assembly able to be mounted on and dismantled from said exterior body.

8. With respect to claim 19 Koch discloses the instrument according to claim 17, wherein said casing ring (P6; 14 figure 2) element is held in said bottom (P4; 2 figure 2) by a fixing means.

9. With respect to claim 28 Koch discloses the instrument according to claim 15, wherein said bottom and said lateral walls are made as a single part (P4; 2 figure 2.)

10. With respect to claim 23 Koch discloses the instrument according to claim 15, further including a protective cover ({P7; 30 figure 2} column 3 lines 28-34 states wherein the cover {P7; 30 figure 2} is transparent thus implying that it is a dielectric as

metals and conductive materials are not transparent. However, more explicitly column 3 lines 42-46 state wherein the bezel may be covered with synthetic resin, a dielectric material. Alternatively, the case {P4; 2 figure 2} is disclosed to be plastic, column 2 lines 30-31 and covers the antenna on one side.) made of dielectric material fitted onto said bezel element and coving said antenna.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 5789984) in view of Megner (US 6411569.)

14. With respect to claim 20 Koch discloses the instrument according to claim 15. Koch does not disclose wherein said exterior body is made of metal material and wherein that said bezel element is made of plastic material.

Megner teaches a watch with an antenna (28 figure 1.) Megner teaches forming a support structure of the antenna portion with plastic (column 3 lines 15-19) and forming the casing with metal (column 3 lines 55-58 and column 4 lines 32-48.)

At the time of the invention it would have been obvious to one skilled in the art to configure Koch's device such that the antenna supporting housing (the bezel) is made out of plastic and the outer casing is made out of metal, as taught by Megner.

The suggestion or motivation for doing so would be to select commonly used materials for the construction of the device, namely a resilient material for the casing and a non-conducting material for the antenna support, as taught by Megner.

15. With respect to claim 22 Koch discloses the instrument according to claim 20, further including an exterior element (P6; 14 figure 2) of essentially annular shape, fitted onto said bezel (30) element, this annular-shaped exterior element having an aperture inside in which said antenna (P6; 20 figure 2) is housed. Koch does not disclose the exterior element being made of a metal material.

Megner teaches forming an exterior portion of an antenna housing out of metal (column 2 lines 55-58.) Megner teaches that this structure can be utilized to screen out undesired interference (column 2 lines 59-63.)

At the time of the invention it would have been obvious to one skilled in the art to make exterior element (P6; 14 figure 2) out of a metal material, as taught by Megner.

The suggestion or motivation for doing so would be to controllably insulate the antenna as taught by Megner.

16. Claims 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 5789984) in view of Megner (US 6411569) in further view of Baumgartner (US 4320485.)

17. With respect to claim 21, Koch and Megner teach the instrument of claim 20, wherein an inner face of said bezel element is metallised (P3; 22 figure 2 is an electronic module which inherently has metal.)

Koch does not disclose wherein the electronic module is electrically connected to said exterior body made of metal material.

It is very well-known to ground electronics to metal housings. Baumgartner teaches grounding an electronic module to a metal casing (column 3 lines 8-19.)

At the time of the invention it would have been obvious to one skilled in the art to connect the electronic module to the metal housing as taught by Baumgartner.

The suggestion or motivation for doing so would be to ground the electronic device as taught by Baumgartner.

### ***Allowable Subject Matter***

18. Claims 24-25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

19. Applicant's arguments filed 2/25/2008 have been fully considered but they are not persuasive.

20. Applicant asserts that claims 24-27 were not rejected in the previous action. This assertion is accurate. The error has been remedied in the current action. As stated above claims 24-25 and 27 would be allowable if rewritten in dependent form.

21. Applicant asserts that Baumgartner does not teach the new limitations of claim 15. This argument is not persuasive. Baumgartner does teach these limitations as detailed above.

***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN KAYES whose telephone number is (571) 272-8931. The examiner can normally be reached on 11:00am to 9:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Felix O. Figueroa/  
Primary Examiner, Art Unit 2833

SK  
4/10/2008